



1632
24

PATENT

ATTORNEY DOCKET NO: BAL-106 (17349)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of Marshall, et al.)	Examiner: Louise N. Leary
Serial No: 09/977,874)	Art Unit: 1632
Filed: October 15, 2001)	Deposit Acct. No: 04-1403
Confirmation No: 3775)	Customer No: 22827
For: Composition For The Detection Of)	
Gastrointestinal Disorders)	

TRANSMITTAL LETTER

Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Please find attached an Information Disclosure Statement for the above-captioned application and copies of the disclosed references. Also find enclosed a copy of a Notice of References Cited, dated September 8, 2003, for related application having serial number 09/977,667 (a copy of this application was previously provided to the Examiner). The enclosed Notice of References Cited includes the references cited in the attached Information Disclosure Statement. Other references listed on the Notice have previously been disclosed to the Examiner of the instant application.

Once the disclosed references have been reviewed, it is requested that the Examiner place his initials next to the references on the list document and return a copy of


the initialed list document to the undersigned to indicate that the references have been considered.

Should the Examiner have any questions, he is invited to contact the undersigned at his convenience.

Respectfully submitted,

DORITY & MANNING, P.A.

By:


Christina L. Mangelsen, Patent Agent
Reg. No.: 50,244

DORITY & MANNING, P.A.
P.O. Box 1449
Greenville, SC 29602-1449
(864) 271-1592
Fax (864) 233-7342

Dated: 11/25/03



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

DM-10/03

INFORMATION DISCLOSURE STATEMENT

In re Application of: Marshall, et al. Attorney Docket No: BAL-106 (17349)
Serial No: 09/977,874 Date: November 25, 2003
Filed: October 15, 2001 Art Unit: 1632
Confirmation No: 3775 Our Customer ID: 22827
Title: Composition For The Detection Of Gastrointestinal Disorders Our Account No: 04-1403

Commissioner for Patents
U.S. Patent and Trademark Office
Post Office Box 1450
Alexandria, VA 22313-1450

Sir:

The following is an Information Disclosure Statement for the captioned patent application, pursuant to 37 CFR Sections 1.56, 1.97, and 1.98.

1.[x] Attached hereto is:

- a.[x] A list of materials for consideration per Rule 98(a)(1): 1 page(s)
- b.[x] A legible copy of each patent, publication, or other item listed per Rule 98(1)(2), unless not required per Rule 98(c) and/or (d) and as indicated on the attached list(s):
5 item(s)
- c.[x] For each non-English language item listed, pursuant to Rule 98(a)(3), a concise explanation of the relevance thereof as it is presently understood by the individual designated in Rule 56(c) most knowledgeable about the content of such items: Relevance can be understood with reference to English abstract.
[] Such explanation is provided in the Search Report from a corresponding application enclosed herewith along with any enclosed translation into English.

2.[x] This Information Disclosure Statement is being filed [CHECK ONE]:

a.[] WITHIN THREE MONTHS of the application filing date, national stage date of entry, or along with or after a request for continued examination, OR BEFORE the mailing date of a first Office Action on the merits, which ever event occurs last, WHEREFORE per Rule 97(b) NO filing fee or Rule 97(e) certificate is required.

b.[] AFTER the time periods of section 2.a above, but BEFORE a Final Action, Notice of Allowance OR an action that otherwise closes prosecution, WHEREFORE PER Rule 97(c) submitted herewith is [CHECK ONE]:

12/03/2003 HLE333 00000068 09977874

i.[] Certification per Rule 97(e); OR 01 FC:1806 180.00 OP

ii.[] Filing Fee per Rule 17(p)\$180.00

c.[x] AFTER a Final Action OR Notice of Allowance, but BEFORE payment of the issue fee, WHEREFORE per Rule 97(d) submitted herewith is:

i. Certification per Rule 97(e); AND

ii. Filing fee per Rule 17(p)\$180.00

3.[x] Rule 97(e) Certification; per Rule 97(e), the undersigned certifying party make the following certification statement [CHECK ONE]:

a.[] That each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement; OR

b.[x] That no item of information contained in this Information Disclosure Statement was cited in a foreign patent office in a counterpart foreign application and to the knowledge of the undersigned after making a reasonable inquiry, was known to any individual designated in Rule 56(c) more than three months prior to the filing of this statement.

CERTIFYING PARTY (if different from bottom signature; omission here indicates that certification is being made by signer per signature below).

Name: _____
Address: _____

Signature: _____
Date: _____

- 4.[x] DEPOSIT ACCOUNT AUTHORIZATION: The Commissioner is hereby authorized to charge any fee specifically authorized hereafter, or any fees in addition to the fee(s) filed, or asserted to be filed, or which should have been filed herewith or concerning any paper filed hereafter, and which may be required under Rules 16-18 (deficiency only) now or hereafter relative to this application and the resulting official document under Rule 20, or credit any overpayment, to our Account No. shown in the heading hereof for which purpose a duplicate copy of this sheet is attached. This statement does not authorize charge of the issue fee in this case.

- 5.[x] CERTIFICATE OF MAILING: This Information Disclosure Statement is being filed pursuant to [CHECK AND COMPLETE ONE]:

- a.[x] First Class Mail Certificate of Mailing under Rule 8:

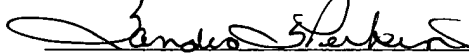
I hereby certify that this correspondence and any referenced attachment and/or fee are being deposited with the United States Postal Service as first class mail in an envelope addressed to the:

Commissioner for Patents
U.S. Patent and Trademark Office
Post Office Box 1450
Alexandria, VA 22313-1450

on November 25, 2003.

Sandra S. Perkins

(Typed/printed name of person mailing paper or fee)



(Signature of person mailing paper or fee)

- b.[] "Express Mail" Certificate under Rule 10:

"Express Mail" - Label No. _____
Date of Deposit _____

I hereby certify that this paper and all attachments and any fee are being deposited with the U.S. Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the:

Commissioner for Patents
U.S. Patent and Trademark Office
Post Office Box 1450
Alexandria, VA 22313-1450.

(Typed/printed name of person mailing paper or fee)

(Signature of person mailing paper or fee)

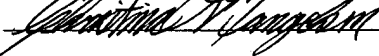
ADDRESS:

Post Office Box 1449
Greenville, South Carolina 29602
Telephone: 864-271-1592
Facsimile: 864-233-7342

DORITY & MANNING, P.A.

By: Christina L. Mangelsen, Patent Agent

Reg. No: 50,244

Signature: 

Date: November 25, 2003



Information Disclosure Statement List By Applicant Under 37 CFR Section 1.98(a) (1) (Use several sheets if necessary)	Attorney Docket Number BAL-106 (17349)	Serial Number 09/977,874
	Applicant Marshall, et al.	
	Filing Date: October 15, 2001 Confirmation No.: 3775	Group 1654

- NOTE: If no indication is made in the column marked "COPY NOTE," the required legible copy of the corresponding item is submitted herewith; otherwise, a copy is not required and/or not submitted, for the following reason(s) [corresponding reason number is listed in "COPY NOTE" column]"
- (1) This item is cumulative, per Rule 98(c)
 - (2) A copy of this item was previously cited by or submitted to the U.S. Patent and Trademark Office in:
USSN _____, filed _____, or
USSN _____, filed _____;
Relied on under 35 U.S.C. Section 120, per Rule 98(d)
 - (3) Both reasons (1) and (2) apply
 - (4) No legible complete copy is possessed, in custody of controlled, or readily available

U.S. PATENT DOCUMENTS											
EXAMINER INITIALS	PATENTEE NAME		PATENT NUMBER						ISSUE DATE	COPY NOTE	
	King		5	4	9	8	5	2	8	03/12/1996	
	Heckenmuller, et al.		5	6	7	9	5	7	0	10/21/1997	

FOREIGN PATENT DOCUMENTS															
EXAMINER INITIALS		COUNTRY	DOCUMENT NUMBER								PUBLICATION DATE	TRANSLATION			COPY NOTE
												YES	NO	N/A	
		EP	0	3	6	9	2	9	2	A1	05/23/1990		X		
		FR	2	6	5	4	4	3	6	A1	05/17/1991		X		

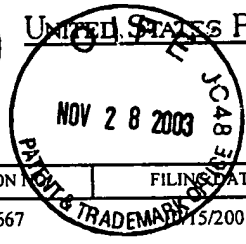
*"NO" means that no copy of an English language translation is within the possession, custody, or control of, or is readily available to any individual designated in Rule 56(c).

EXAMINER INITIALS	OTHER DOCUMENTS	COPY NOTE
	Specify author (if any), Title, Pertinent Pages, Date & Place of Publication Article - Development of a Chemiluminescent Urease Activity Assay for Helicobacter pylori Infection Diagnosis in Gastric Mucosa Biopsies, Aldo Roda, Francesco Piazza, Patrizia Pasini, Mario Baraldini, Laura Zamboni, Stefania Fossi, Franco Bazzoli, and Enrico Roda, Analytical Biochemistry, Vol. 264, 1998, pp. 47-52	
EXAMINER	DATE CONSIDERED	
Examiner:	initial if citation considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include a copy of this form with the next communication to applicant.	

1/11/03
cew



UNITED STATES PATENT AND TRADEMARK OFFICE



SEP 11 2003

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/977,667	09/15/2001	Donald J. McMichael	17350	3464

23556 7590 09/08/2003

KIMBERLY-CLARK WORLDWIDE, INC.
401 NORTH LAKE STREET
NEENAH, WI 54956

WWL

EXAMINER

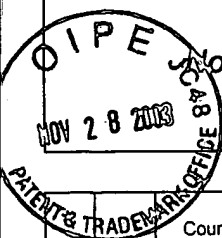
GITOMER, RALPH J

ART UNIT PAPER NUMBER

1651

DATE MAILED: 09/08/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Notice of References Cited**Application/Control No.
09/977,667Applicant(s)/Patent Under
Reexamination
MCMICHAEL ET AL.Examiner
Ralph GitomerArt Unit
1651

Page 1 of 1

U.S. PATENT DOCUMENTS

	Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
A	US-5,314,804 ✓	05-1994	Boguslaski et al.	435/12
B	US-5,420,016 ✓	05-1995	Boguslaski et al.	435/12
C	US-5,439,801 ✓	08-1995	Jackson, Frank W.	435/12
D	US-5,498,528	03-1996	King, Wing	435/34
E	US-5,593,851 ✓	01-1997	Jackson, Frank W.	435/12
F	US-5,668,011 ✓	09-1997	Jackson, Frank W.	435/309.1
G	US-5,679,570	10-1997	Heckenmuller et al.	435/287.9
H	US-6,187,556 ✓	02-2001	Lee et al.	435/34
I	US-			
J	US-			
K	US-			
L	US-			
M	US-			

FOREIGN PATENT DOCUMENTS

*	Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
N	EP 369292	05-1990	EP	Klein et al.	
O	FR 2654436	05-1991	France	Orsonneau	
P					
Q					
R					
S					
T					

NON-PATENT DOCUMENTS

*	Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
U	Roda, A. Development of a Chemiluminescent Urease Activity Assay for HP Infection Diagnosis in Gastric Mucosa Biopsies. Analytical Biochemistry 264, 47-52, 1998.
V	
W	
X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.